

**STATE OF UTAH**  
**DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING**

**HOMEOWNER'S APPLICATION FOR  
CERTIFICATE OF COMPLIANCE**

**RESIDENCE LIEN RECOVERY FUND**

DOPL-AP-096 REV 05/03/2004

**APPLICATION INSTRUCTIONS AND INFORMATION**

**This application is for use by homeowners or anyone representing a homeowner. This application is NOT an application for payment from the Lien Recovery Fund.**

The Division desires to provide courteous and timely service to all applicants. To maximize its efficiency and level of service, the Division will process complete applications only. **A complete application includes all applicable supporting documents and fees.** The fees are for processing your application and will not be refunded nor reimbursed. Failure to complete the application and supply all necessary information will delay processing and may result in denial of the claim. **Please read all instructions carefully.** The Division cannot and will not act as an agent for the applicant to gather the documents necessary to complete the application

**SIMPLIFIED INSTRUCTIONS:**

These instructions provide basic directions for completing the application. Detailed instructions, including extensive explanation of types of documents to attach and applicable citations from the laws and rules, can be found at the end of the application.

1. Complete the Information and Documentation section. Do not leave any question blank. If a question does not apply, please indicate such with "N/A."
2. Carefully read the Affidavit of Compliance, Certification, and Release of Information. If all of the statements on the affidavit are correct, sign it and have your signature notarized. Submit the affidavit with this application.
3. Attach to your application the following documents: (See detailed instructions for examples of acceptable documents.)
  - ☐ A copy of the written contract between you and your contractor
  - ☐ Proof that your contractor was licensed or exempt from licensure

- ☐ Proof that you have paid the contract in full
- 4. Complete the attached Certificate of Service (page #10 of this packet). Attach a copy of the Certificate to a copy of this claim application and send both by certified mail, return receipt requested, to the original contractor. Attach the original Certificate of Service to this application.
- 5. Submit the \$30.00 **non-refundable** application-processing fee—made payable to “DOPL”.

#### **ADDITIONAL IMPORTANT INFORMATION:**

1. **Laws and Rules:** You are required to understand all Utah laws and rules pertaining to your application for a Certificate of Compliance. The detailed instructions at this end of the application provide extensive explanation of those laws and rules, however reliance on those instructions does not guarantee compliance with the applicable laws and rules. The following are the laws and rules with which you need to be familiar:

- ☐ Utah Residence Lien Restriction and Lien Recovery Fund Act (Title 38, Chapter 11 Utah Code Annotated)
- ☐ Residence Lien Restriction and Lien Recovery Fund Rules (R156-38 Utah Administrative Code)

Copies of these laws and rules may be obtained on our website at: [www.dopl.utah.gov](http://www.dopl.utah.gov).

You may also purchase them for a fee from Exporior, 5486 South 1900 West, Suite C, Taylorsville, Utah 84118, (801) 355-5009.

2. **Current Documents:** Applications, statutes, and rules may change from time to time. If you have not recently obtained any of these documents, you may want to contact the Division or visit our Internet site to verify that you have current versions.
3. **Updating Address Information:** You are responsible to maintain a current address with the Fund. All correspondence will be sent to the last known address shown on the Fund’s records. If your address or any other pertinent information should change, you must notify the Fund of this change in writing. If your address is incorrect, you will not receive claims-related correspondence, which could result in the denial of your application.

4. **Mail Complete Application to:**

**By U.S. Mail**

Residence Lien Recovery Fund  
P.O. Box 146741  
Salt Lake City, Utah 84114-6741

**By Delivery or Express Mail**

Residence Lien Recovery Fund  
160 East 300 South, 1<sup>st</sup> Floor Lobby  
Salt Lake City, Utah 84111

5. **Telephone Numbers:**

(801) 530-6104  
(801) 530-7632  
(801) 530-6628

(866) ASK-DOPL – Toll-free in Utah  
(866) 275-3675

6. **Fax Number:**

(801) 530-6511 – attn: LRF Program Secretary

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# APPLICATION FOR CERTIFICATE OF COMPLIANCE

## INFORMATION AND DOCUMENTATION

### Homeowner Applicant:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_

The following two items are not required. However, the more information you provide, the better the description of your property in the Certificate of Compliance. The more complete the description given in the Certificate, the easier time it will be for lien claimants to recognize that the Certificate applies to your residence.

Tax Parcel Number (found on your annual property tax notice): \_\_\_\_\_

Legal Description or Plot Number (found on the Notice of Lien): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Homeowner's Attorney or Other Representative (if applicable):

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_

**Original Contractor/Factory Built Housing Retailer/Real Estate Developer:**

(Please circle applicable designation above. See Definitions Section for additional information)

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contractor License Number: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

**Original Contractor's Attorney (if applicable):**

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

**Residence Type:**

Please mark the type of residence you own:

- ☐ Detached, single-family dwelling  
☐ Duplex residence  
☐ Other, describe: \_\_\_\_\_

Date your original contractor completed construction on your residence: \_\_\_\_/\_\_\_\_/\_\_\_\_

Date you began occupying your residence: \_\_\_\_/\_\_\_\_/\_\_\_\_

Are you or your tenant or lessee occupying the residence as a primary or secondary residence?

☐ Yes ☐ No, explain: \_\_\_\_\_

Did you purchase the residence from a previous owner within 180 days from the date construction was completed?

☐ No ☐ Yes, explain: \_\_\_\_\_

Did you enter into a written contract with your original contractor?

☐ Yes. Attach a copy of the contract to this application (see detailed instructions).

☐ No. Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was your contractor licensed?

☐ Yes, the contractor was **licensed**.

☐ No, the contractor was **exempt from licensure**; attach documents demonstrating why the contractor was exempt. (See detailed instructions.)

☐ No, the contractor was a **real estate developer**; attach documents demonstrating that all the elements of a real estate developer were met. (See detailed instructions.)

☐ No, the contractor was a **factory built housing retailer**. (See detailed instructions.)

☐ No, the contractor was not licensed.

Did you pay your original contractor **in full** according to the terms of the written contract and any modifications to that contract?

☐ Yes. Attach documents demonstrating payment. (See detailed instructions.)

☐ No. Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

IN THE MATTER OF THE APPLICATION  
FOR A CERTIFICATE OF COMPLIANCE  
ON THE RESIDENCE OF

\_\_\_\_\_  
(Applicant's Name)

LOCATED AT \_\_\_\_\_  
(Address, City, and State of the property)

AFFIDAVIT OF COMPLIANCE,  
CERTIFICATION, AND RELEASE OF  
INFORMATION

STATE OF UTAH                    )  
  :SS.  
COUNTY OF SALT LAKE    )

I, \_\_\_\_\_, being first duly sworn state as follows:  
(Name of person completing application)

1. I am authorized to sign this affidavit for the homeowner described and identified in this application.
2. To the best of my knowledge, the information contained in this application and the supporting documents is free from fraud, misrepresentation, or omission of material fact.
3. I will ensure that any information subsequently submitted to the Division in conjunction with this application and/or its supporting documents will meet the same standard set forth above.
4. I understand that homeowners and/or their representatives who report false information, withhold information, or present false or misleading documentation pertinent to an application in order to receive a Certificate of Compliance from the Lien Recovery Fund to which they are not entitled will be disqualified from receiving said Certificate and may be subject to both criminal prosecution and civil penalties.
5. I understand that this application will be classified as a public record and will be available for inspection by the public except with regard to the release of information which is classified as controlled, private, or protected under the Government Records Access and Management Act or restricted by other law.



6. The homeowner is the owner of a ☐ detached single family residence ☐ duplex ☐ other type of residence (check the appropriate box) located at:

\_\_\_\_\_  
Street Address City State Zip

7. Construction on this residence was or will be completed on: \_\_\_\_/\_\_\_\_/\_\_\_\_ (date).

8. The homeowner ☐ is ☐ will be ☐ is not ☐ will not be occupying this property as a primary or secondary residence (check the appropriate box).

9. The homeowner began or will begin occupying this property as a primary or secondary residence on: \_\_\_\_/\_\_\_\_/\_\_\_\_ (date).

10. The homeowner ☐ is ☐ is not renting or leasing this property as a primary or secondary residence to:

\_\_\_\_\_  
Renter's or Lessee's Name Street Address City State Zip

11. The homeowner's tenant or lessee began or will begin occupying this property on \_\_\_\_/\_\_\_\_/\_\_\_\_ (date).

12. I hereby authorize all persons, institutions, governmental agencies, employers, or any others not specifically included in the preceding characterization, which are set forth directly or by reference in this application, to release to the Division of Occupational and Professional Licensing, State of Utah or the Residence Lien Recovery Fund Advisory Board, any files, records or information of any type reasonably required for the Division or the Board to properly evaluate my application.

\_\_\_\_\_  
Signature of Affiant (sign here)

\_\_\_\_\_  
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Applicant's Name

\_\_\_\_\_  
Applicant's Address

\_\_\_\_\_  
Applicant's City, State, & Zip

\_\_\_\_\_  
Applicant's Telephone Number

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
DEPARTMENT OF COMMERCE  
STATE OF UTAH

IN THE MATTER OF THE APPLICATION  
FOR A CERTIFICATE OF COMPLIANCE  
ON THE RESIDENCE OF

\_\_\_\_\_  
(Homeowners' Name)

LOCATED AT \_\_\_\_\_  
(Address, City, and State of the property)

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, I served  
(date) (month) (year)  
a copy of the HOMEOWNER'S APPLICATION FOR CERTIFICATE OF COMPLIANCE for  
the above-referenced residence, along with this CERTIFICATE OF SERVICE, on the following  
by depositing a copy in the U.S. mail, return receipt requested, postage pre-paid, addressed to:

\_\_\_\_\_  
(original contractor's name)

\_\_\_\_\_  
(original contractor's address)

\_\_\_\_\_  
(original contractor's city, state, & zip)

Certified mail return receipt requested receipt No. \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_,  
(date) (month) (year)

\_\_\_\_\_  
Signature

**Detailed Instructions  
Including Citations To Applicable Laws And Rules  
And Examples Of Acceptable Documents**

This section contains definitions of terms used throughout the application. Division personnel will use these definitions during the application review process. This section also contains explanations and examples of the types of documents that you should attach to the application.

**IMPORTANT DEFINITIONS:**

Factory Built Housing Retailer means a person that sells factory built housing, as defined in Utah Code Ann. § 58-56-3, to the public [Utah Code Ann. § 38-11-102(11)]

Original Contractor means a person who contracts with an owner or the owner's agent to provide services, labor, or materials for the construction of an owner-occupied residence, as defined below. [Utah Code Ann. § 38-11-102(16)]

Owner means a person who contracts with a contractor who is licensed or exempt from licensure under the Utah Construction Trades Licensing Act for construction on a single family or duplex residence, or with a real estate developer for the purchase of a single family or duplex residence. [Utah Code Ann. § 38-11-102(17)] Further, an "owner" is not a person or developer who builds residences which are offered for sale to the public. [Utah Admin. Code § R156-38-102(8)]

Owner-Occupied Residence means a primary or secondary detached single-family dwelling or duplex, including factory built housing, that is or will be occupied by the owner, or his tenant or lessee, within 180 days of completion of construction. [Utah Code Ann. § 38-11-102(18) & (22)]

Real Estate Developer means a person having an ownership interest in real property who contracts for the construction of a residence that is offered for sale to the public. [Utah Code Ann. § 38-11-102(21)]

Subsequent Owner means a person who purchases a residence from an owner within 180 days from the date of the completion of the construction on the residence. [Utah Code Ann. § 38-11-102(23)]

Written Contract means one or more documents evidencing an agreement between the homeowner and the original contractor that creates an obligation for the original contractor to, at a date subsequent to the date of document, provide construction services, either personally or through others, in exchange for payment from the homeowner.

**INSTRUCTIONS AND EXAMPLES OF DOCUMENTS TO ATTACH:**

Please Note: The explanations and examples given below cover the circumstances the Division deals with most often. Information on how the Division has addressed more unusual

circumstances can be found by visiting the Division's website ([www.dopl.utah.gov](http://www.dopl.utah.gov)), clicking on Programs, clicking on Residence Lien Recovery Fund, and, finally, clicking on Important Claim Decisions and Policies.

### **Licensed Contractor:**

You can demonstrate your contractor was licensed or exempt from licensure by submitting one of the following:

- (1) If you contracted with a contractor who was licensed under the Construction Trades Licensing Act, the Division will verify that license as part of the application-review process. Simply ensure your contract clearly identifies the licensee with whom you contracted.
- (2) If you contracted with a contractor who was exempt from licensure, provide a written explanation, with applicable supporting documents, that the contractor fits within one of the following exemptions:
  - (a) Owner-builder exemption [Utah Code Ann. § 58-55-305(1)(d)] You purchased the home from a person who was sole owner of the residence and who builds no more than one residential structure per year and no more than three residential structures per five years.
  - (b) "Sears" exemption [Utah Code Ann. § 58-55-305(1)(f)] You contracted with a company engaged in the sale or merchandising of personal property that by its design or manufacture may be attached, installed, or otherwise affixed to real property and that company contracted with a licensed contractor to install, affix, or attach that property.
  - (c) "Handyman" exemption [Utah Code Ann. § 58-55-305(1)(h)] You contracted for repair, remodel, or addition to an existing residence with a total contract price, materials and labor, of less than \$1,000 and the contractor did not perform plumbing, electrical, or gas services.
  - (d) Unregulated contractor exemption [Utah Code Ann. § 58-55-305(1)(i)] You contracted with a contractor to perform one or more of the following:
    1. Sandblasting
    2. Well drilling
    3. Smoke or fire alarm installation
    4. Emergency water removal
    5. Tree trimming or tree removal
    6. Lead or asbestos removal
    7. Installation of telephone, television, or other communication cabling of under 50 volts
    8. Window cleaning or other types of power washing
    9. Installation of a central vacuum system
    10. Installation of custom closet inserts
    11. Concrete cutting
    12. Hanging of wallpaper
    13. Installation of drapery or window blinds

14. Installation of carpet or vinyl flooring
  15. Installation of a lightning rod
  16. Delivery and connection of appliances to existing utilities
- (3) If you contracted with a real estate developer provide the following:
- (a) Evidence that the real estate developer had an ownership interest in the property. This would normally be a copy of the warranty deed transferring ownership from the prior owner to you or a title search showing the ownership history of the property.
  - (b) A copy of the contract between the real estate developer and the licensed contractor(s) that built the residence or other credible evidence showing the existence of such a contract and setting forth a description of the services provided to the real estate developer by the contractor(s).
  - (c) Evidence that the real estate developer offered the residence for sale to the public. For example, a copy of the listing agreement between the seller and the seller's realtor. [Utah Admin. Code § R156-38-204a(2)(b)]
- (4) If you contracted with a factory built housing retailer, provide a copy of the completed retail purchase contract. [Utah Admin. Code § R156-38-204a(2)(c)]

### **Payment in Full:**

You can show that you paid your contractor in full by submitting one or more of the following:

- (1) An affidavit of full payment from the original contractor, factory built housing retailer, or real estate developer. The affidavit must be from the original contractor, factory built housing retailer, or real estate developer and must affirm that you paid the contract in full. [Utah Admin. Code § R156-38-204a(3)(a)]
- (2) Other documentation showing you paid your original contractor, factory built housing retailer, or real estate developer in full. [Utah Admin. Code § R156-38-204a(3)(b)] The Division has commonly accepted the following:
  - (a) Canceled checks totaling the face amount of the contract and all change orders.
  - (b) *Complete*, meaning both columns are filled in, HUD-1 Settlement Statements showing the final contract price and settlement of funds with the title company. The statement must be signed by the buyer, the seller, and the title agent.
  - (c) Any other documents that positively identify the final contract amount and the total amount you paid.

### **Written Contract:**

You can demonstrate that you had a written contract with your contractor by submitting copies of the document or documents that made up your agreement [Utah Admin. Code § R156-38-204a(1)]. The Division commonly accepts the following as constituting a written contract:

- (1) The complete, including all addenda, Real Estate Purchase Contract executed between the homeowner and the contractor or real estate developer.
- (2) A bid or estimate from the contractor accepted by the homeowner either on the face of the document or by payment to the contractor.
- (3) Any other written document that identifies the contractor, the homeowner, the work to be performed, and the contract price.

Please note, you must have agreed to the contract and reduced the terms of the contract to writing **before** the contractor began work.

**ORDER FORM**  
**DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**LICENSURE RELATED DOCUMENTS**

*CLAIM FOR PAYMENT FROM UTAH RESIDENCE LIEN RECOVERY FUND*

The following documents can be ordered through the Division's contract testing agency, Experior at the address listed below. There is a fee of \$7.00 by mail or phone order. Make all checks payable to Experior. Visa and MasterCard accepted. Applicable sales tax will be added to all purchases.

1. 38-11, *The Residence Lien Restriction and Lien Recovery Fund Act*, 5/5/03
2. R156-38, *Residence Lien Restriction and Lien Recovery Fund Rules*,

Please contact:



**Experior**  
5486 South 1900 West, Suite C  
Taylorsville, Utah 84118  
(801) 355-5009  
**FAX: (801) 355-4008** (credit card orders only)

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Please provide the following information. Send this portion of the order form with a check for \$7.50 (includes Utah Sales Tax) in the enclosed envelope to receive the above listed documents. **(Do not mail cash.)**

**REGISTRATION WITH UTAH RESIDENCE LIEN RECOVERY FUND (66)**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Daytime Phone Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_ Check      \_\_\_\_\_ Money Order      \_\_\_\_\_ Visa      \_\_\_\_\_ MasterCard

Credit Card # \_\_\_\_\_ Exp. date \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_  
(Required for credit card orders)